

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Eric McMillan,

Civil No. 07-4102 (RHK/JSM)

Petitioner,

ORDER

v.

CCA/Prairie Correctional Facility,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated October 1, 2007. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED:

1. The Report and Recommendation (Doc. No. 2) is **ADOPTED**;
 2. Petitioner's application for a writ of habeas corpus (Doc. No. 1) is summarily **DENIED**;
- and
3. This action is **DISMISSED WITHOUT PREJUDICE**.

Dated: November 5, 2007

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge